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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GREGG SCHUMACHER and LINDA)

SCHUMACHER, individually and as)

husband and wife, and GREGG)

SCHUMACHER FURS LLC dba)

SCHUMACHER FURS & OUTERWEAR,)

Plaintiffs,

v.

CITY OF PORTLAND, a municipal)
corporation; IN DEFENSE OF ANIMALS,)
a foreign nonprofit corporation; ANIMAL)
LIBERATION FRONT, an unincorporated)
association; PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC., a)

CV No. CV-07-601-HU

MEMORANDUM IN SUPPORT
OF MOTION TO MAKE MORE
DEFINITE AND CERTAIN ON
BEHALF OF DEFENDANTS
IN DEFENSE OF ANIMALS,
MATT ROSSELL, CONNIE
DURKEE, and KEVIN MIERAS

foreign nonprofit corporation; MATT)
ROSSELL; KEVIN MIERAS aka "Bluejay";)
CONNIE DURKEE; ALEX LILLI; JOHN)
DOES 1-10; and JANE DOES 1-10)

Defendants.)

Plaintiffs' Complaint contains state law claims against three organizations, four individuals, and 20 Does. Plaintiffs' Complaint does not specify the particular conduct that In Defense of Animals, Connie Durkee or Matt Rossell engaged in that gives rise to plaintiffs' claims. Plaintiffs have no concept of, for example, the "extreme outrageous conduct" that they have supposedly engaged in with respect to the plaintiffs' claims for intentional infliction of emotional distress. Similarly, plaintiffs do not know what specific conduct gives rise to plaintiffs' claims for interference with perspective economic advantage, trespass or public nuisance. In their filings with the Court, plaintiffs acknowledge and recognize that protesters have a right under the Constitution to engage in lawful protest activities. Absolutely nothing in the Complaint puts these defendants on notice of the particular conduct which plaintiffs are claiming is outside of protected free speech activity and which gives rise to the five state law claims against defendants. Where it is possible that plaintiffs' claims may chill the exercise of free expression, the Court should require plaintiffs to specify the nature of the conduct which they allege to be actionable.

Furthermore, under Oregon's anti-SLAPP statute, the State of Oregon has sought to allow defendants an opportunity to avoid the expense and costs of litigation by putting plaintiffs' pleadings through scrutiny within 60 days of the service of the pleadings. Defendants incorporate by reference their briefing on the application of Oregon's anti-SLAPP statute contained within the moving defendants' memorandum in support of special motion to strike.

Even absent the free speech concerns, defendants' Motion should be granted under

F.R.C.P. § 12(e). See McHenry v. Renne, 84 F.3d 1172 at 1175 (9th Cir. 1996):

Plaintiffs' Complaint does provide specific allegations of fact to support the claim that defendants have intentionally deprived plaintiffs of their Constitutional rights. Nevertheless, as the Complaint stands now, it does not properly notify individual defendants of the allegations with which they are charged. Given the number and diversity of named defendants and the breadth of the allegations, claims which vaguely refer to defendants or other responsible authorities will not suffice.

DATED: May 11, 2007

By Mark McDougal
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ROSSELL, and DURKEE

By Jarri Pannell
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Attorney for defendant MIERAS

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing Memorandum in Support of Motion to Make More Definite and Certain on the following person(s) on the date indicated below, by the following method:

[X] by electronically mailed notice from the court on the date set forth below;

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DATED: May 11, 2007



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1 * CERTIFICATE OF SERVICE